THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21505 of 2000

ORAL ORDER:

This writ petition is filed seeking a Certiorari to call for the records relating to C.T.A.No.11 of 1995 on the file of the Cooperative Tribunal, Hyderabad dated 1.5.2000 and quash the same as arbitrary and illegal.

The petitioner is the Jubilee Hills Cooperative House Building Society Limited, Jubilee Hills, Hyderabad represented by its Chairman and Committee of Persons-incharge. The first respndent was admitted as member of the petitioner society and was allotted with Plot No.204 in Block No.I admeasuring 1100 sq.yards. After receiving full consideration, the said plot was registered in his name on 5.3.1980.

It appears, since there was a vacant site of 300 sq.yards on the northern side and 700 sq.yards on the western side, the first respondent applied for allotment of the same in his favour and in fact the society has allotted the said two pieces of land which are adjacent to the original plot bearing No.204 in favour of first respondent and was in possession of the same. Thereafter, in view of the apprehension that the society is going to disturb his possession, the first respondent raised a dispute before the Arbitrator under Section 61 of the A.P. Cooperative Societies Act, 1964 vide A.R.C.No.27 of 1991. The petitioner society filed a detailed written statement denying the averments made by the first respondent stating that the allotment of 300 sq.yards on the northern side and 700 sq.yards on the western side in favour of first respondent is not valid and no resolution was passed by the society for such allotment. After detailed examination of both oral and documentary evidence, the Arbitrator passed award dated 14.9.1994 granting injunction in favour of first respondent restraining the petitioner society

from interfering with enjoyment of Plot bearing No.204 allotted in his favour which is inclusive of 1100 sq.yards registered in favour of first respondent on 5.3.1980. Aggrieved by the same, petitioner society carried the matter in appeal before the A.P. Cooperative Tribunal in C.T.A.No.11 of 1995. The appellate authority, after perusal of the award passed by the Arbitrator and on examination of the entire material made available on record, came to the conclusion that no ground is made out by the society calling for its interference against the award passed by the Arbitrator in A.R.C.No.27 of 1991 and dismissed the appeal. Aggrieved by the same, society filed the present writ petition.

There is no necessity of going into all the details. It is suffice to notice that there is no dispute as to the registration of Plot No.204 by the petitioner society in favour of first respondent on 5.3.1980 after receiving full consideration. There is also no dispute as to the allotment of 300 sq.yards on the northern side and 700 sq.yards on the western side of Plot No.204 on the application made by the first respondent. However, according to the petitioner, the said allotment is not valid in law. In view of the apprehension, the first respondent filed A.R.C.No.27 of 1991 against the society. May be, the allotment of 300 sq.yards on the northern side and 700 sq.yards on the western side in favour of first respndent is not valid under law, but as of now the first respondent is in possession of the same, and the allotment made earlier is not in dispute. Further, it is also not in dispute that the petitioner has paid consideration for allotment of 300 sq.yards on northern side and 700 sq.yards on western side and the said amount was neither returned nor any proceedings were initiated by the society for cancellation of allotment. Unless and until, the petitioner society takes an appropriate decision as per law, it cannot interfere with the peaceful possession and enjoyment of the first respondent.

Therefore, I am of the opinion that no ground is made out to

interfere with the order passed by the appellate authority in C.T.A.No.11 of 1995 dated 1.5.2000 wherein the order passed by the Arbitrator in A.R.C.No.27 of 1991 was confirmed. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

_____

C.V.RAMULU, J

Date: 29.12.2006

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21505 of 2000

29.12.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.21505 of 2000

Date: 29th December, 2006

Between:

The Jubilee Hills Cooperative House Building Society Ltd., Jubilee Hills, Hyderabad represented by its Chairman.

.. Petitioner

And

G.Parvathi Rao & others.

.. Respondents